



# *COMMONWEALTH of VIRGINIA*

## *Office of the Governor*

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### **Statement of the Secretary of Natural Resources Regarding Nutrient Reduction in the Chesapeake Bay**

At the Chesapeake Executive Council meeting on December 9, 2003, the six states in the Chesapeake Bay watershed (Virginia, Maryland, Pennsylvania, Delaware, West Virginia and New York) and the District of Columbia adopted the nutrient reduction goals approved by the Chesapeake Bay Program in March 2003 to meet the water quality criteria subsequently promulgated by the U. S. Environmental Protection Agency (EPA). Governor Warner has directed the Department of Environmental Quality (DEQ) to propose a nutrient reduction regulation for adoption by the State Water Control Board authorizing the inclusion of numerical nitrogen and phosphorous limits in wastewater discharge permits based on appropriate technology.

The Governor's proposal does not assume the establishment of uniform numerical limits in every discharge permit, and he supports a regulatory process that will take into consideration plant location and the need to reduce nutrient discharges at that site in order to meet our new water quality standards and the nutrient reduction goals. These standards are now being developed in accordance with the criteria established by EPA for dissolved oxygen, water clarity and chlorophyll *a* pursuant to a Notice of Intended Regulatory Action (NOIRA) already issued by DEQ and published in the Virginia Register on November 17, 2003. Since the regulatory process under the Administrative Process Act takes eighteen to twenty-four months, the regulation to establish new water quality standards already underway and the regulatory action proposed by Governor Warner on December 9<sup>th</sup> will proceed on parallel paths contemporaneously. At the end of these simultaneous actions we will be in a position to adopt a comprehensive program that will meet the needs of the Chesapeake Bay and its tributaries and that will spread the cost as fairly as possible.

We will continue to work through the tributary strategy process that we have already begun to determine appropriate loading allocations from the various sources within the Chesapeake Bay watershed; however, those allocations may be subject to change depending upon the final results of the two regulatory initiatives which I have described. I believe that this dual regulatory process is necessary to ensure that we have the necessary tools to meet the new water quality standards that will be required of us. Specific nutrient limits in discharge permits are a necessary component of any effective reduction program.

We must also redouble our efforts to address nutrient enrichment of our waters from non-point sources. Even if point source dischargers were to do all that is technologically feasible, we will still need to achieve additional reductions from non-point sources to meet our goals. In order to reach the Chesapeake Bay Program's nutrient reduction goals, we must use all the tools at our disposal, both regulatory and incentive based.

Substantial public funds will be required to reach these nutrient reduction goals and meet the new water quality standards. As Governor Warner has indicated, the sources of these funds should be each level of government – federal, state and local. Unless we work together to gain financial support from each, the cost imposed on municipal dischargers will be borne entirely by their ratepayers.

In the coming weeks, DEQ will prepare and publish in the Virginia Register the NOIRA dealing with nutrient limits in permits. This document will outline the relevant issues and begin the public rule making process governed by the Virginia Administrative Process Act. In the meantime, if you have any questions regarding the course of action upon which we are now embarked, please do not hesitate to contact me.

**W. Tayloe Murphy, Jr.**  
**December 18, 2003**

